

REMARKS

Claims 1 and 9 have been amended. Claims 8, 29 and 31 have been canceled without prejudice. Claims 1-7, 9, 28 and 30 are pending in the present application. Reexamination and allowance of the pending claims are respectfully requested.

Claims 29 and 31 stand rejected under 35 U.S.C. 112, first paragraph, for reciting subject matter that is not supported by the specification. Even though Applicant does not agree with this rejection, to simplify the examination of this application, Applicant is canceling claims 29 and 31 without prejudice to Applicant pursuing this subject matter again in a continuing application.

Claims 1-7 and 28

Claims 1-4, 6 and 8 stand rejected under 35 U.S.C. 102(b) as being anticipated by, or under 35 U.S.C. 103(a) as being obvious over, U.S. Patent No. 2,763,958 to Lemelson ("Lemelson"). Claims 1, 3-4, 7 and 28-31 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,225,488 to Goldfarb ("Goldfarb").

These rejections are respectfully traversed.

Independent claim 1 has been amended to recite, for example, a gripping piece that is provided along a portion of the length of the elongated body. Claim 8 has been canceled without prejudice.

First, Goldfarb does not disclose any gripping piece.

Second, Lemelson does not disclose a gripping piece that is provided along a portion of the length of the elongated body. The element labeled "A" by the Examiner is likely a valve plug through which air can be introduced into the body 10. Even though "A" might arguably be gripped by a user, "A" is not provided along a portion of the length of the elongated body.

Thus, claim 1, and claims 2-7 and 28 depending therefrom, are submitted to be in condition for allowance.

Claims 9 and 30

Claim 9 stands rejected under 35 U.S.C. 103(a) as being obvious over U.S. Patent No. 2,879,624 to Benson ("Benson") alone, or Benson in view of Goldfarb. Claim 9 also stands rejected under 35 U.S.C. 103(a) as being obvious over Lemelson in view of Benson. These rejections are respectfully traversed.

Claim 9 has been amended to recite, among other limitations, that the tail assembly is separate and removable from the elongated body, with the tail assembly having a hollow cylindrical tube that receives the elongated body. See FIGS. 6 and 7,

and page 5, lines 10-28 of the specification.

In contrast, the element 11 in Benson is a nozzle to which the balloon 10 is "fixedly attached". See column 1, lines 64-65 of Benson. Thus, the nozzle 11 is not a hollow cylindrical tube. Even if the nozzle 11 can be considered a hollow cylindrical tube, the nozzle 11 is not separate and removable from the balloon 10. This is an important distinction since the claimed tail assembly must be separate and removable from the elongated body (see page 5, lines 23-28 of the specification). In contrast, the nozzle 11 cannot be removed from the balloon 10 since the balloon 10 will deflate and the toy jet missile will not be functional. For this reason, a person skilled in the art would have no incentive to modify Benson to make the nozzle 11 separate and removable from the balloon 10.

Thus, claim 9, and claim 30 depending therefrom, are submitted to be in condition for allowance.

In light of the above, allowance of all pending claims is respectfully requested. The Examiner is invited to telephone the undersigned if there are any informal matters that can be resolved in a phone conversation, or if the Examiner has any suggestions or ideas that would further advance the prosecution of this case.

Respectfully Submitted,


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CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the United States Postal service as First Class Mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Date: December 19, 2003

By: 

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